

ORDINANCE NO. R- 2015-14

TAX CODE(S) 82-06-11-017-175.003-027

AN ORDINANCE TO REZONE CERTAIN REAL ESTATE IN THE CITY OF EVANSVILLE, STATE OF INDIANA, MORE COMMONLY KNOWN AS 3400 N. Green River Road..

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF EVANSVILLE, INDIANA, AS FOLLOWS, TO WIT:

Section 1: That Ordinance no. G-82-51, being the Municipal Code of the City of Evansville, Indiana, 1982, and more particularly Title XV, Chapter 153, by making certain changes in Atlas 1, which is made part of said section with respect to the following described real estate located in the City of Evansville, Vanderburgh County, State of Indiana:

Part of the SE 1/4 of Section 11-T6S-R10W of Vanderburgh County, Indiana, more particularly described as follows:

Commencing at the NE corner, SE ¼, Sec. 11-T6S-R10W, thence along the east line thereof S 0 degrees 25 minutes 54 seconds W 1267.52 feet to the P.O.B.; thence continues S 0 degrees 25 minutes 54 seconds W 3.00 feet; thence S 89 degrees 33 minutes 53 seconds E 4.00 feet; thence S 00 degrees 25 minutes 54 seconds W 4.00 ; thence N 89 degrees 33 minutes 53 seconds W 4.00 feet' thence S 00 degrees 25 minutes 54 seconds W 3.00 feet; thence N 89 degrees 33 minutes 53 seconds W 40.00 feet; thence N 00 degrees 25 minutes 54 seconds E 10.00 feet; thence S 89 degrees 33 minutes 53 seconds E 40.00 feet to the P.O.B., containing 416 Sq. Ft.

by changing the zoning classification of the above-described real estate from R-1 to C-4, and said real estate is hereby so rezoned and reclassified.

Section 2. The Director of the Area Plan Commission of Evansville and Vanderburgh County is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on said Atlas 1 as set out in Section 1 of this Ordinance, and to make notation in ink thereon of reference to the number of this ordinance and the date of final publication of the amendatory ordinance after its passage and approval; however, failing to do so shall not invalidate this Ordinance.

Section 3. This ordinance shall be in full force and effect from and after its passage by the Common Council, its approval by the Mayor, and its publication as required by law, which publication is now ordered.

Section 4 The subject property herein rezoned shall be used and developed only in accordance with the use and development commitment which is incorporated as part of this Petition for Rezoning and recorded in the office of the Recorder of Vanderburgh County, Indiana on _____, 2015 at Inst. No. 2015R-000_____. No improvement location permits shall be issue unless the proposed use is in compliance with said recorded use and development commitment.

Passed by the Common Council of Evansville, Indiana, on this _____ day of _____, 20_____.

ATTEST:

President

City Clerk

Presented to me, the undersigned, City Clerk of the City of Evansville, Indiana, to the Mayor of said city, the day of _____, 20_____.

City Clerk

Having examined the foregoing Ordinance, I do now, as Mayor of the City of Evansville, Indiana, approve said Ordinance, and return same to the City Clerk this _____ day of _____, 20_____, at o'clock _____.

Mayor of the City of Evansville, Indiana

THIS INSTRUMENT PREPARED BY: Danny K. Leek of Morley and Associates, Inc.

FILED

MAY 11 2015

Anna Windner
CITY CLERK

USE AND DEVELOPMENT COMMITMENT

Whereas the Undersigned, Evansville Day School, Inc , (Petitioners), is the owner of certain real estate situated in the City of Evansville, Indiana, commonly described as 3400 N. Green River Road, Evansville, Indiana, which real estate is more particularly described as follows, to-wit:

Part of the SE 1/4 of Section 11-T6S-R10W of Vanderburgh County, Indiana, more particularly described as follows:

Commencing at the NE corner, SE ¼, Sec. 11-T6S-R10W, thence along the east line thereof S 0 degrees 25 minutes 54 seconds W 1267.52 feet to the P.O.B.; thence continues S 0 degrees 25 minutes 54 seconds W 3.00 feet; thence S 89 degrees 33 minutes 53 seconds E 4.00 feet; thence S 00 degrees 25 minutes 54 seconds W 4.00 ; thence N 89 degrees 33 minutes 53 seconds W 4.00 feet' thence S 00 degrees 25 minutes 54 seconds W 3.00 feet; thence N 89 degrees 33 minutes 53 seconds W 40.00 feet; thence N 00 degrees 25 minutes 54 seconds E 10.00 feet; thence S 89 degrees 33 minutes 53 seconds E 40.00 feet to the P.O.B., containing 416 Sq. Ft.

Whereas, as the real estate is currently classified as a(n) R-1 Zoning district under the Evansville Zoning Code and is so indicated on the zoning maps maintained by the staff of the Evansville-Vanderburgh County Area Plan Commission; and

Whereas, Petitioners have requested that the Real Estate be reclassified to zoning district C-4; and

Whereas, Petitioners are desirous of accommodating the concerns of the surrounding property owners by making a written commitment concerning the use and development of the Real Estate pursuant to I.C. 36-7-4-613;

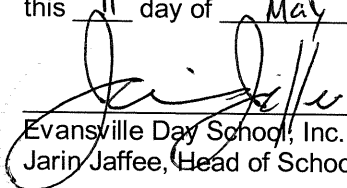
Now, Therefore, in consideration of the foregoing, Petitioners make the following use and development commitment:

1. Use of the Real Estate shall be limited to the following:

a. On Premise Electronic (Digital) Sign

2. All commitments and undertakings herein expressed shall be binding on the Petitioners and the Petitioners' heirs, legal representative, successors and assigns, and shall run in the favor of the Area Plan Commission of Evansville-Vanderburgh County and all the owners of real estate lying within the radius of one (1) mile from the real estate described and shall be enforced by invoking any legal, equitable or special remedy, including specific performance, injunction or equitable relief pursuant to the manner of enforcement as set forth in I.C. 36-7-4-613, 36-7-4-1013, and 36-7-4-1014. If it is necessary to initiate administrative or judicial proceedings to enforce any such commitment or undertaking, the person or entity obtaining enforcement in such proceedings shall also recover its reasonable attorneys' fees and costs of suit from the undersigned.

In Witness Whereof, this Use and Development Commitment is hereby made and entered into this 11 day of May, 2015 by the Petitioners for the purposes set forth herein.

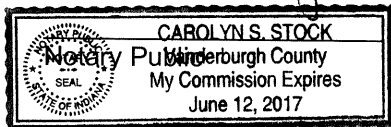
 Evansville Day School, Inc.
Jarin Jaffee, Head of School

STATE OF INDIANA }
COUNTY OF Warrick } SS:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Tiki Thompson, Director of Marketing and Communications, who acknowledged the execution of the foregoing Use and Development Commitment to be her free voluntary act and deed.

Witness my hand and Notarial Seal this 11th day of May, 2015.

My Commission Expires:





Notary Resides in:

County, Indiana

(Typed or printed name)

82-06-11-002-173.002-019
Davis, Jack R & Norma J
414 Hollybush Lane
Evansville, IN 47715

82-06-11-017-175.002-027
Kuxmiller, Roy L & Patricia R
901 N. Garden Ridge Blvd
Apartment 1320
Lewisville, TX 75077

N.E. Corner
SE 1/4
Section 11-T6S-R10W

P.O.C.



SCALE 1" = 250'

Lynch Road

Section 11-T6S-R10W

Green River Road

82-06-11-016-142.044-027
Village at Timber Park Section 5
Homeowners Association Inc.
P.O. Box 8063
Evansville, IN 47716

PUD

82-06-11-016-091.057-027
Hertweck, Jason
3317 Autumnwood Way
Evansville, IN 47715

82-06-11-015-166.003-027
Convenient Reformed Church
4204 Hunters Trace
Evansville, IN 47715

82-06-11-015-166.004-027
SS & MM Properties LLC
2860 Glencrest Drive
Owensboro, KY 42303

CO-2

82-06-11-017-156.005-027
Platinum Investments Group LLC
PO Box 4106
Evansville, IN 47724

82-06-11-017-156.001-027
82-06-11-017-156.004-027
SS & MM Properties LLC
2860 Glencrest Drive
Owensboro, KY 42303

82-06-11-014-172.002-027
LMR Investments LLC
6131 Wedeking Ave, Suite G1
Evansville, IN 44715

C-4

82-06-12-013-242.001-027
Spurling, Bill Trust
3201 N. Green River Road
Evansville, IN 47715

C-4

82-09-12-013-239.001-027
Spurling, Bill Trust
3201 N. Green River Road
Evansville, IN 47715

C-4

82-06-12-013-239.002-027
Lakeside Development LLC
3201 N. Green River Road
Evansville, IN 47715

C-4

82-06-12-013-234.002-027
Greenfield Five LLC
3201 N. Green River Road
Evansville, IN 47715

C-4

82-06-013-234.001-027
Cole WG Evansville, IN LLC
PO Box 1159
Deerfield, IL 60015

C-4

P.O.B.

See Detail Area
Below

45.00'

60.00'

60.00'

45.00'

45.00'

S 0°25'54" W 1267.52'



SCALE 1" = 20'

**N 0°25'54" E
10.00'**

**S 89°33'53" E
40.00'**

**N 89°33'53" W
40.00'**

**Area to be
Rezoned to C-4
416.00 Sq. Ft.**

Existing Sign

P.O.B.

S 0°25'54" W 3.00'

S 89°33'53" E 4.00'

N 89°34'06" W 60.00'

S 0°25'54" W 4.00'

N 89°33'53" W 4.00'

S 0°25'54" W 3.00'

60.00'



Engineering
Surveying
Architecture
Construction Management
4800 Rosebud Lane
Newburgh, IN 47630
(812) 464-9585
www.morleyandassociates.com

**Rezoning Exhibit
"R-1" to "C-4"**

Designed By: D.K.L.	Job Number: 8082
Drawn By: J.E.V.	Date: 5/6/2015
Filename: 8082 Sign Rezoning Exhibit	

PC

COUNCIL DISTRICT: Daniel McGinn (812) 479-6336

PHONE (812) 476-3039

ZIP CODE 47715

PHONE (812) 476-3039

ZIP CODE 47715

- LEGAL DESCRIPTION:**

Commencing at the NE corner, SE ¼, Sec. 11-T6S-R10W, thence along the east line thereof S 0 degrees 25 minutes 54 seconds W 1267.52 feet to the P.O.B.; thence continues S 0 degrees 25 minutes 54 seconds W 3.00 feet; thence S 89 degrees 33 minutes 53 seconds E 4.00 feet; thence S 00 degrees 25 minutes 54 seconds W 4.00 ; thence N 89 degrees 33 minutes 53 seconds W 4.00 feet' thence S 00 degrees 25 minutes 54 seconds W 3.00 feet; thence N 89 degrees 33 minutes 53 seconds W 40.00 feet; thence N 00 degrees 25 minutes 54 seconds E 10.00 feet; thence S 89 degrees 33 minutes 53 seconds E 40.00 feet to the P.O.B., containing 416 Sq. Ft.

- (REQUIRED) Signatures:

REPRESENTATIVE FOR PETITIONER NAME _____
ADDRESS/ZIP _____ PHONE _____

MAY 11 2015

LYNCH RD
LYNCH RD

DAVIS LANT DR

R-1

REZONE R-1 TO C-4

N GREEN RIVER RD

SPRING VALLEY YRD

CO-2

CREEKSIDE DR

TAMARACK CT

TIMBER LN

C-4

TIMBER LN

TAMARACK CT

TAMARACK CT

GREEN RIVER DR

GREAT LAKES DR

C-2

GREAT LAKES DR